

LEWIS
AND
ROCA
LLP
LAWYERS

3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
Telephone: (702) 949-8320
Facsimile: (702) 949-8321

40 North Central Avenue
Phoenix, Arizona 85004

Susan M. Freeman, AZ State Bar No.
004199

E-mail: sfreeman@lrlaw.com
Rob Charles, NV State Bar No. 006593
E-mail: rcharles@lrlaw.com
John Hinderaker, AZ State Bar No. 018024
E-mail: jhinder@lrlaw.com

Attorneys for the USACM Liquidating Trust

E-Filed on 7/30/07

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725-LBR

**Notice to Wynn Gunderson of Motion
For Summary Judgment Regarding
Claim No(s). 10725-02322**

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

NOTICE IS HEREBY GIVEN to Wynn Gunderson that on July 30, 2007, the USACM Liquidating Trust ("USACM") filed a Motion for Summary Judgment related to Claim No(s). 10725-02322 (the "Motion"). Along with this notice, USACM is serving Wynn Gunderson with a copy of the Motion.

Wynn Gunderson asserted secured claim(s) against USA Commercial Mortgage Company. The Motion disputes your assertion of secured claim status and asks the Court to reclassify your claim(s) as a general unsecured claim(s). This is not an objection to your claim as a direct lender or to the security interest you as a direct lender may have in your borrowers' property as collateral. Rather, the Motion argues that your claim(s) are not secured by property of the bankruptcy estate.

NOTICE IS FURTHER GIVEN that any opposition to the Objection/Motion must be filed pursuant to Local Rule 9014(d)(1). **PLEASE DO NOT CONTACT THE CLERK OF THE COURT OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** If you do not want the Court to grant the relief sought in the Objection/Motion, or if you want to explain why you believe your claim(s) are secured claim(s) or otherwise want the Court to consider your views on the Objection/Motion, then you must file an opposition to the Motion with the Court, and serve a copy on the USACM Liquidating Trust **NO LATER THAN AUGUST 17, 2007**. The opposition must state your position, set forth all relevant facts and legal authority, provide relevant documents that support your claim to secured status, and be supported by affidavits or declarations that conform to Local Rule 9014(c).

If you object to the relief requested in the Objection/Motion, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response to the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* without formally calling the matter at the hearing.

NOTICE IS FURTHER GIVEN that the hearing on the Objection/Motion will be held before a United States Bankruptcy Judge, Courtroom No. 1, Foley Federal Building, 300 Las Vegas Boulevard South, Las Vegas, Nevada 89101 on **October 15, 2007** at the

1 hour of 9:30 a.m. The hearing may be continued from time to time with notice to the
2 appearing parties.

3 Dated July 30, 2007.

4 LEWIS AND ROCA LLP

5
6 By /s/ RC (#6593)

7 Susan M. Freeman, AZ 4199 (*pro hac vice*)

8 Rob Charles, NV 6593

9 John C. Hinderaker, AZ 18024 (*pro hac vice*)

10 3993 Howard Hughes Parkway, Suite 600

11 Las Vegas, Nevada 89169

12 Telephone: (702) 949-8320

13 Facsimile: (702) 949-8321

14 E-mail: rcharles@lrlaw.com

15 *Attorneys for the USACM Liquidating Trust*